

II. REMARKS

The Amendment cancels claim 4 without prejudice and amends claim 1. Claims 1-3 and 5-8 are pending in the Application.

A. Information Disclosure Statement

The Office Action includes a copy of Applicant's form PTO/SB/08A on which the identifications of GB 355007 and EP 0893376 are lined out and annotated with "no copies provided." Applicant understands this to mean that these documents were not considered or made of record. Applicant respectfully requests that these documents be considered and made of record.

PCT Art. 42 provides that "[n]o elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office."

The Notice of Acceptance for this Application indicates that a copy of the international search report was received.¹ Consistent with PCT Art. 42, the United States Patent and Trademark Office may not may require that Applicant furnish copies of any papers connected with the examination relating to the same international application.

Applicant respectfully requests that GB 355007 and EP 0893376 be considered and made of record.

B. Support for Previously Unclaimed Subject Matter

Support for the amendment to claim 1 is found in the specification at page 3, paragraph 4.

¹See Exhibit 1 attached hereto.

C. The 35 U.S.C. § 103 Claim Rejections

Under 35 U.S.C. § 103, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in a reference itself or in knowledge generally available to one of ordinary skill in the art at the time of invention, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, a prior art reference, or references when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on Applicants' disclosure.²

The Office Action rejects claims 1-8 as being unpatentable over Vickery (U.S. Patent No. 1,945,761) in view of Rata *et al.* (U.S. Patent No. 6,416,843) under 35 U.S.C. § 103(a). The Amendment cancels claim 4 without prejudice and amends claim 1. Vickery and Rata *et al.* do not render obvious claims 1 from which claims 2, 3 and 5-8 depend for lack of teaching or suggestion of all the claim limitations thereof, lack of motivation to modify the respective disclosures to achieve the claimed invention, and little likelihood of achieving the claimed invention.

a. Vickery Does Not Teach or Suggest All of the Claim Limitations of the Invention of Claim 1

The invention of claim 1 is, in pertinent part, blade that is essentially nondeflecting.

²*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In *KSR Int'l Co. v. Teleflex Inc. et al.*, 127 S.Ct. 1727 (2007), the Supreme Court did not reject the traditional test, derived from *Graham v John Deere Co.*, 148 USPQ 459 (1966), whether a reference or references taught or suggested, or contained motivation to make the claimed invention (TSM test), but rather opined that the "TSM test captures helpful insight . . . [and cautioned that a] patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR* at 1746.

In contrast to the invention of claim 1, Vickery describes “enabl[ing] the doctoring edge of the blade to be set at a large angle to the roll, say from 45° to nearly radial, while the blade is so supported that it can adapt itself to the roll and the risks of chattering and of damage to the roll to which the steep setting of the blade might give rise are obviated.”³ Additionally, Vickery describes a blade “made as usual of thin sheet steel or other resilient metal . . .”⁴

Vickery does not teach or suggest the invention of claim 1 because Vickery describes a resilient blade that, through its own resiliency, adapts to a roll, while the invention of claim 1 is a nondeflecting blade that does not itself adapt to a roll, but is compelled to maintain a specific attitude relative to a roll.⁵

A significance of this difference is that the blade of the claimed invention may be applied against a roll with an amount of force entirely controlled by the doctoring mechanism, whereas with the Vickery blade, the amount of force depends on the gage of the blade.

b. Vickery Contains No Motivation to Modify its Disclosure to Achieve Invention of Claim 1

Vickery contains no motivation to modify the respective disclosure to achieve the invention of claim 1 because the objective of Vickery is to “enable . . . the blade [to] adapt itself to the roll . . .”⁶

Vickery does not suggest desirability of the invention of claim 1 because the invention is purposed at and configured for providing a stiff blade that a doctoring mechanism controls.

³Vickery at page 1, lines 6-12.

⁴*Id.* at lines 30-31.

⁵See Specification at pages 2-3.

⁶Vickery at page 1, lines 6-12.

Vickery does not suggest combination with other teachings, such as Rata *et al.*, to achieve the invention of claim 1 because Rata *et al.* describes a stiff, composite blade. Substituting a stiff blade for the Vickery blade would completely eliminate the critical resiliency on which Vickery relies for providing adaptability to a roll.

c. Modifying Vickery Has No Reasonable Expectation of Success of Achieving the Invention of Claim 1

Modification of Vickery to incorporate the teachings of Rata *et al.* has no reasonable expectation of success of achieving the invention of claim 1 because simply substituting a curved, stiff, composite blade for the curved, resilient metal blade called for in Vickery might yield, at best, a blade that chatters, which would render unreliable cleaning.

Vickery and Rata *et al.* do not teach or suggest all the claim limitations of the invention of, lack motivation to modify the respective disclosures to achieve, and have little likelihood of achieving, therefore do not render obvious claim 1. Accordingly, claim 1 and claims 2, 3 and 5-8 dependent therefrom are allowable over Vickery and Rata *et al.*

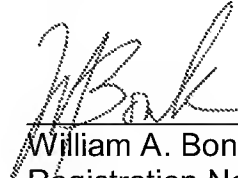
Applicant respectfully requests favorable consideration of this Amendment. This Amendment is responsive to the outstanding Office Action, does not add new matter, does not raise new issues that require further consideration and/or searching, and is a *bona fide* effort to conclude prosecution of this Application.

Applicant respectfully submits that this Application is in condition for allowance. If such is not the case, Applicant invites the Examiner to contact the undersigned to resolve remaining issues.

This paper was not filed within the shortened statutorily-prescribed time limit, thus is accompanied by a petition for the appropriate time extension and required fee. If filing this paper or any accompanying paper necessitates fees not otherwise provided,

the undersigned authorizes the Commissioner to deduct same from Deposit Account
No. 50-3757.

Respectfully Submitted,



William A. Bonk, III
Registration No. 40,521

Emerging Strategies, LLP
7416 Lynnhurst Street
Chevy Chase, Maryland 20815-3102
USA
301.915.0950 (voice)
301.915.0955 (facsimile)

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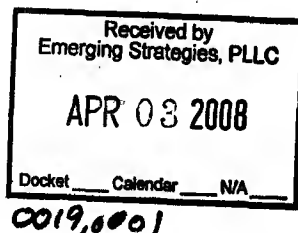


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U.S. APPLICATION NUMBER NO. 10/599,061	FIRST NAMED APPLICANT Kimmo Loippo	ATTY. DOCKET NO. 0011.0004
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56500
EMERGING STRATEGIES, PLLC
5440 31ST STREET, N.W.
WASHINGTON, DC 20015-1346



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CONFIRMATION NO. 3676
371 ACCEPTANCE LETTER



Date Mailed: 04/02/2008

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

09/19/2006
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

09/25/2006
DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/19/2006
- Copy of the International Search Report filed on 09/19/2006
- Preliminary Amendments filed on 09/19/2006
- Information Disclosure Statements filed on 09/19/2006
- Oath or Declaration filed on 09/19/2006
- U.S. Basic National Fees filed on 09/19/2006
- Assignment filed on 09/19/2006
- Priority Documents filed on 09/19/2006
- Power of Attorney filed on 09/19/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208